IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 291 OF 2005

Shivram Bapu Pawar... ....Appellant.
V/s
Vita Nagar Parishad, Vita..... ... .Respondent.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar' orders.	Court's or Judge's Orders

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Mr.M.V.Limaye with Mr.R.S.Apte, Adv. for the Appellant.

CORAM: A.P. DESHPANDE, J.
10.7.2007

PC:

An unsuccessful plaintiff before both the Courts below has filed the present second appeal. The plaintiff instituted a suit for perpetual injunction and claimed that he is a tenant/licensee of plot of land admeasuring 12' x 14' of which landlord is the State Government. The Courts below on appreciation of documentary evidence and material on record have recorded finding that the plaintiff has failed to establish his possession and the description of the suit property given in the plaint is vague. No dimensions are given. A further finding is recorded that the plaintiff has failed to

substantiate his case that he is tenant/licensee of the State Government. Municipal Council proposes to construct a shopping center. Learned counsel for the appellant submits that the documentary evidence in the form of tax receipts are not considered by the Courts below. The receipts are considered and have been rejected on the ground that the plaintiff has failed to establish that the said receipts pertained to the suit property. No substantial question of law emerges for consideration. Hence second appeal is summarily dismissed.

10.7.07.